

Fill in this information to identify the case:

Debtor 1 MARCOS LEYVA

Debtor 2 FRANCES R. LEYVA  
(Spouse, if filing)

United States Bankruptcy Court for the: WESTERN District of TEXAS  
(State)

Case number 16-52573 K

Form 4100R

**Response to Notice of Final Cure Payment**

10/15

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

**Part 1: Mortgage Information**

Name of creditor: U.S. Bank Trust National Association, as Trustee of the Cabana Series III Trust Court claim no. (if known): 5

Last 4 digits of any number you use to identify the debtor's account: 2 5 0 2

Property address: 316 E. Webb Street  
Number Street

CRYSTAL CITY TX 78839  
City State ZIP Code

**Part 2: Prepetition Default Payments**

Check one:

- ☒ Creditor agrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor disagrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ \_\_\_\_\_

**Part 3: Postpetition Mortgage Payment**

Check one:

- ☐ Creditor states that the debtor(s) are current with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

The next postpetition payment from the debtor(s) is due on:      /      /       
MM / DD / YYYY

- ☒ Creditor states that the debtor(s) are not current on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

a. Total postpetition ongoing payments due:

(a) \$ 4174.44

b. Total fees, charges, expenses, escrow, and costs outstanding:

+ (b) \$ 0.00

c. Total. Add lines a and b.

(c) \$ 4174.44

Creditor asserts that the debtor(s) are contractually obligated for the postpetition payment(s) that first became due on:

12 1 / 2020  
MM / DD / YYYY

(\$620.00) IN SUSPENSE DUE \$4174.44)

First Name	Middle Name	Last Name
------------	-------------	-----------

Case number (if known)

## page 2



Loan Information	
Loan #	2502
Borrower	Frances Leyva
Date Filed	11/4/2016
First Post Petition	
Due Date	12/1/2016
POC Covers	

Payment Changes				
Date	P&I	Escrow	Total	Notice Filed
12/1/2016	\$609.16	\$276.62	\$885.78	Filed w/ POC
4/1/2018	\$609.16	\$302.16	\$911.32	2/23/2018
11/1/2018	\$588.32	\$302.16	\$890.48	9/20/2018
5/1/2019	\$608.63	\$302.16	\$910.79	4/9/2019
9/1/2019	\$608.63	\$647.61	\$1,256.24	7/11/2019
2/1/2020	\$608.63	\$590.01	\$1,198.64	1/9/2020
2/1/2021	608.63	511.17	\$1,119.80	1/11/2021

Missing Post-Petition History from 12/1/16 - 11/28/17

Date	Amount Rec'd	Late Charges Incurred	Post Pet Due Date	Contractual Due Date	Amt Due	Over/Short	Suspense Credit	Suspense Debit	Suspense Balance
11/28/2017	\$885.78		12/1/2017		\$885.78	\$0.00			\$0.00
11/28/2017	\$885.78		1/1/2018		\$885.78	\$0.00			\$0.00
12/26/2017	\$885.78		2/1/2018		\$885.78	\$0.00			\$0.00
2/1/2018	\$885.78		3/1/2018		\$885.78	\$0.00			\$0.00
3/23/2018	\$885.78		Suspense		\$885.78	\$885.78			\$885.78
3/31/2018	\$901.00		4/1/2018		\$911.32	-\$10.32			\$875.46
4/30/2018	\$911.32		5/1/2018		\$911.32	\$0.00			\$875.46
5/31/2018	\$911.32		6/1/2018		\$911.32	\$0.00			\$875.46
6/28/2018	\$911.32		7/1/2018		\$911.32	\$0.00			\$875.46
7/26/2018	\$911.32		8/1/2018		\$911.32	\$0.00			\$875.46
8/20/2018	\$911.32		9/1/2018		\$911.32	\$0.00			\$875.46
8/21/2018	\$911.32		10/1/2018		\$911.32	\$0.00			\$875.46
10/1/2018	\$911.32		11/1/2018		\$911.32	\$0.00			\$875.46
10/26/2018	\$911.32		12/1/2018		\$911.32	\$0.00			\$875.46
10/29/2018	\$911.32		1/1/2019		\$911.32	\$0.00			\$875.46
11/23/2018	\$911.32		2/1/2019		\$911.32	\$0.00			\$875.46
11/23/2018	\$911.32		3/1/2019		\$911.32	\$0.00			\$875.46
11/30/2018	\$911.32		4/1/2019		\$911.32	\$0.00			\$875.46
1/2/2019	\$911.32		5/1/2019		\$911.32	\$0.00			\$875.46
2/22/2019	\$911.32		6/1/2019		\$911.32	\$0.00			\$875.46
4/19/2019	\$911.32		7/1/2019		\$911.32	\$0.00			\$875.46
5/24/2019	\$911.32		8/1/2019		\$911.32	\$0.00			\$875.46
6/27/2019	\$911.32		Suspense		\$911.32	\$0.00			\$875.46
7/29/2019	\$911.32		9/1/2019		\$911.32	\$0.00			\$875.46
8/23/2019	\$911.32		10/1/2019		\$911.32	\$0.00			\$875.46
9/19/2019	\$911.32		NSF		\$911.32	\$0.00			\$875.46
9/25/2019	\$911.32		NSF		\$911.32	\$0.00			\$875.46
10/9/2019	\$911.32		NSF		\$911.32	\$0.00			\$875.46
10/16/2019	\$911.32		NSF		\$911.32	\$0.00			\$875.46
11/18/2019	\$911.32		Suspense		\$911.32	\$0.00			\$875.46
12/20/2019	\$911.32		11/1/2019		\$911.32	\$0.00			\$875.46

EXHIBIT

JAN 11 2021

[illegible]

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing response to Trustee's Notice of Final Cure was served on the 12th day of March, 2021. Said Notice was filed electronically. Service was accomplished by the method and to the following as indicated.

By: /s/ Richard Anderson  
RICHARD E. ANDERSON  
State Bar No. 01209010  
4920 Westport Drive  
The Colony, Texas 75056  
Email: randerson@AndersonVela.com

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

**DEBTOR**

Marcos Leyva  
316 E. Webb Street (Property)  
Crystal City, TX 78839

PO Box 358 (Mailing)  
Crystal City, TX 78839

**DEBTOR**

Frances R Leyva  
316 E. Webb Street (Property)  
Crystal City, TX 78839

PO Box 358 (Mailing)  
Crystal City, TX 78839

**DEBTORS' ATTORNEY**

Heidi McLeod  
3355 Cherry Ridge, Suite 214  
San Antonio, TX 78230

**TRUSTEE**

Mary K. Viegelahn  
10500 Heritage Blvd, Ste 201  
San Antonio, TX 78216

CREDITOR ATTORNEY

**Bradley S Balderrama**

Linebarger Goggan Blair & Sampson, LLP  
Weston Centre  
112 E Pecan St, Suite 2200  
San Antonio, TX 78205  
210-225-6763  
210-225-6410 (fax)  
Brad.Balderrama@lgbs.com  
*Assigned: 12/23/2016*

**Zavala CAD**  
711 Navarro, Ste. 300  
San Antonio, TX 78205  
(Creditor)

representing

**Chase A Berger**

Ghidotti Berger LLP  
600 E. John Carpenter Fwy  
Suite 175  
Irving, TX 75092-3900  
949-427-2010  
949-427-2732 (fax)  
bknotifications@ghidottiberger.com  
*Assigned: 01/11/2021*

**US BANK TRUST  
NATIONAL ASSOCIATION  
AS TRUSTEE OF CABANA  
SERIES III TRUST**  
(Creditor)

representing

**Paul W. Cervenka**

Bonial & Associates, P.C.  
PO Box 9013  
Addison, TX 75001  
214-860-6909  
214-860-6909 (fax)  
paul.cervenka@bonialpc.com  
*Assigned: 11/28/2017*

**Nationstar Mortgage LLC  
d/b/a Mr. Cooper**  
PO Box 619096  
Dallas, TX 75261  
(Creditor)

representing

**James A. Hoffman**

Langley & Banack, Inc.  
745 E. Mulberry Avenue  
San Antonio, TX 78212  
(210) 736-6600  
(210) 735-6889 (fax)  
jhoffman@langleybanack.com  
*Assigned: 01/19/2017*

**Ally Financial Inc.**  
c/o James A. Hoffman  
Clemens & Spencer  
112 E. Pecan  
Suite 1300  
San Antonio, TX 78205  
(Creditor)

representing

**Ocwen Loan Servicing, LLC**  
(Creditor)

representing

**Jessica L Holt**

Mackie Wolf Zientz & Mann, P.C.  
5177 Richmond Avenue  
Suite 1230  
Houston, TX 77056  
713-730-3218  
jholt@mwzmlaw.com  
*Assigned: 01/17/2017*

**Heidi McLeod**

3355 Cherry Ridge, Suite 214  
San Antonio, TX 78230  
(210) 853-0092  
heidimcleodlaw@gmail.com  
*Assigned: 11/04/2016*  
**LEAD ATTORNEY**

**Frances R Leyva**  
PO Box 358  
Crystal City, TX 78839  
(Debtor)

representing

**Marcos Leyva**  
PO Box 358  
Crystal City, TX 78839  
(Debtor)

**Donald P. Stecker**

Linebarger Goggan Blair & Sampson  
Weston Centre  
112 E Pecan St, Suite 2200  
San Antonio, TX 78205  
210.225.6763  
210.225.6410 (fax)  
don.stecker@lgbs.com  
*Assigned: 11/29/2016*

**Zavala CAD**  
711 Navarro, Ste. 300  
San Antonio, TX 78205  
(Creditor)

representing

**Yoshie Valadez**

McCarthy & Holthus, LLP  
1255 West 15th St, Suite 1060  
Plano, TX 75075  
(214) 291-3800  
(214) 291-3801 (fax)  
mhtbkanhssselfilings@mccarthyholthus.com  
*Assigned: 02/23/2018*

**Nationstar Mortgage LLC**  
**d/b/a Mr. Cooper**  
PO Box 619096  
Dallas, TX 75261  
(Creditor)

representing

**Kristin A Zilberstein**

Padgett Law Group

5501 LBJ Freeway, Suite 925

Dallas, TX 75240

8504222520

(850) 422-2567 (fax)

Kris.Zilberstein@Padgettlawgroup.com

*Assigned: 02/20/2019*

/s/ Richard E. Anderson

RICHARD E. ANDERSON